

UNITED STATES DISTRICT COURT

for the
Western District of Washington_____
FILED _____ LODGED

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Jan 29, 2021

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY _____ DEPUTY

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*INFORMATION ASSOCIATED WITH TWO
FACEBOOK ACCOUNTS

Case No. MJ21-5023

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A, attached hereto and incorporated herein by reference.

located in the Northern District of California, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, attached hereto and incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 USC § 1073Offense Description
Unlawful Flight to Avoid Prosecution

The application is based on these facts:

See Affidavit of FBI Special Agent Terrance G. Postma, attached hereto and incorporated by reference herein.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Terrance G. Postma, Special Agent

Printed name and title

Sworn to and submitted by other reliable electronic means pursuant to Rule 41(d)(3).

Date: 01/29/2021

Judge's signature

City and state: Tacoma, Washington

J. Richard Creatura, United States Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF WASHINGTON)

) ss

COUNTY OF PIERCE)

I, Terrance G. Postma, being first duly sworn, hereby depose and state as follows:

BACKGROUND

1. I have been employed as a Special Agent of the FBI since June 2002 and am currently assigned to the Seattle Division's Poulsbo Resident Agency. I am responsible for investigations of violent crime, fugitives, and bank robbery. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to search the information described in Attachment A for the purpose of locating and apprehending Richard Sanchez who has a federal arrest warrant issued in the Western District of Washington for a charge of Unlawful Flight to Avoid Prosecution, Title 18, United States Code, Sections 1073 (MJ17-5086) arising from his flight from the Western District of Washington to avoid charges of murder, as described below. There is also probable cause to search the information described in Attachment A for evidence in the fugitive investigation, as described in Attachment B.

PURPOSE OF AFFIDAVIT

4. I make this affidavit in support of an application for a search warrant for information associated with the following Facebook account(s) ("Subject Account(s)"):

1 (1) Facebook account 100050911208694 (Subject Account 1), with an
2 unknown user,

3 (2) Facebook account 100033595420712 (Subject Account 2), with an
4 unknown user,

5 5. All of the requested information is stored at premises owned, maintained,
6 controlled, or operated by Facebook, a social networking company headquartered in
7 Menlo Park, California. The information to be searched is described in the following
8 paragraphs and in Attachment A. This affidavit is made in support of an application for a
9 search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require
10 Facebook to disclose to the government records and other information in its possession,
11 pertaining to the subscriber or customer associated with Subject Account.

12 **PRIOR APPLICATIONS**

13 6. There are no prior applications for the Subject Account.

14 **SUMMARY OF PROBABLE CAUSE**

15 7. In 2010, Richard Sanchez fled from Tacoma to Mexico after the murder
16 of Camille Love and Jose Lucas. Richard Sanchez has outstanding warrants for the
17 respective murders, and this Court has charged him for violation of Unlawful Flight to
18 Avoid Prosecution, Title 18, United States Code, Sections 1073 on May 4, 2017 under
19 Case No. MJ17-5086.

20 8. As described below, investigation by law enforcement reveals that
21 Richard Sanchez fled to Mexico in 2010. Review of law enforcement records reveals the
22 names of several individuals that are associated with Richard Sanchez and that these
23 individuals are either members of a Tacoma street gang called Eastside Locos Sureños
24 (ELS) or closely associated to members of the ELS. Law enforcement is aware that
25 fugitives often maintain communication with family, friends, and associates utilizing
26 social media accounts. Law enforcement has identified a Mexican phone number in
27 communication with the father of Richard Sanchez. That phone number is also
28 associated with the girlfriend of Richard Sanchez who has recently posted videos of

1 Richard Sanchez, who has communicated with her on a separate Facebook account,
2 Subject Account 1.

3 **STATEMENT OF PROBABLE CAUSE**

4 **A. RICHARD SANCHEZ AND THE LOVE AND LUCAS MURDERS**

5 9. On February 7, 2010, Tacoma Police responded to the 5900 block of
6 Portland Avenue regarding a shooting. At the scene, police discovered that Camile Love
7 was the shooting victim. Love died from the injuries sustained in the shooting. Based on
8 interviews of witnesses and informants who admitted to participation in the shooting,
9 Tacoma Police concluded that Richard Sanchez is a suspect in Love's murder.

10 10. On March 25, 2010, a homicide occurred within the city of Tacoma.
11 Police identified the homicide victim as Jose Saul Lucas and identified Richard Sanchez
12 as a suspect in his murder. Based on interviews of two witnesses, Tacoma Police
13 concluded that members of the East Side Locos Sureños (ELS) gang, including Richard
14 Sanchez, went to the residence of a rival gang member, Reynaldo Orozco, to collect
15 money. When they could not find the rival gang member, they broke into and damaged
16 Orozco's car, which was parked at the residence. When three individuals, who lived with
17 Orozco, realized that the ELS gang members were vandalizing Orozco's vehicle, they
18 confronted the gang members and a fight ensued. While the ELS gang members were
19 attempting to flee the scene one of them fired a single gunshot that struck and killed Jose
20 Saul Lucas. Based on interviews of witnesses and informants who admitted to
21 participation in the shooting, Tacoma Police concluded that Richard Sanchez is a suspect
22 in Saul Lucas's murder.

23 11. Detectives with the Tacoma Police Department (TPD) were assigned the
24 criminal cases. As a result of their investigations, they obtained arrest warrants for
25 Richard Sanchez for his involvement in each of the previously described homicides.

26 12. Ashley Rios stated in an interview with TPD detectives that after the Saul
27 Lucas homicide, she drove Richard Sanchez and Andres Mendez to a Greyhound bus
28 station in Medford, Oregon.

1 13. On April 1, 2010, Alenna Johnson, sister of Andres Mendez, who at the
2 time was living in St. George, Utah, stated in an interview with TPD detectives that she
3 picked up Andres and a friend named Richard at the St. George, Utah Greyhound bus
4 station and that her husband, Devan Johnson, gave them a ride to Las Vegas dropping
5 them off at a truck stop near Las Vegas. Alenna Johnson identified Richard as Richard
6 Sanchez based on a photograph of Sanchez included in a Tacoma News Tribune news
7 article about the Saul Lucas homicide.

8 14. On April 4, 2010, Rex Conkright, uncle of Andres Mendez, who at the
9 time was living in Cuernavaca, Mexico, stated in an interview with TPD detectives that
10 he had received a telephone call from Andres Mendez and that Andres told him that he
11 had arrived in Mexico City.

12 15. A separate FBI investigation resulted in the arrest of Andres Mendez on
13 September 1, 2020 in San Juan Del Rio, Queretaro, Mexico and he is currently in custody
14 at the Pierce County Jail in Tacoma, Washington.

15 16. Prior to his booking at the Pierce County Jail, Mendez told Tacoma Police
16 Department detectives that he could assist law enforcement to locate Sanchez.

17 17. Efforts to date to locate Richard Sanchez to date have been unsuccessful.

18 **B. SUBJECT ACCOUNTS**

19 18. **Summary of Subject Accounts.** Review of telephone records reveals
20 telephone calls between a Mexican telephone number and telephone number used by
21 Valentin Carreno Sanchez, father of Richard Sanchez. Based on social media posts
22 associated with the Mexican number, it appears the Mexican number is used by Richard
23 Sanchez's girlfriend, Q'Kaarii Oregel. Q'Kaarii Oregel's Facebook account has posted
24 videos of Richard Sanchez. Q'Kaarii Oregel appears to be in a romantic relationship
25 with the user of Subject Account 1, who appears to be Richard Sanchez. Subject
26 Account 2 also appears to belong to Richard Sanchez based on its similar username to
27 Subject Account 1, its references to Richard Sanchez's mother, and its connection to
28 Richard Sanchez's half-siblings.

1 **Law enforcement has located a Mexican number in communication with Richard**
 2 **Sanchez's father.**

3
 4 19. According to Washington Department of Health records, Richard Sanchez
 5 is the son of Valentin Carreno Sanchez and Pamela Fay Allen.

6 20. Valentin Carreno Sanchez appears to be using the phone number 360-
 7 581-0117. Law enforcement is aware of this because of a Facebook post by Monica
 8 Sanchez on April 19, 2019, for Sanchez Roofing and Construction in Aberdeen,
 9 Washington. The post, which includes a photograph of two men and one woman,
 10 includes a message that the company "is ready for business with my partners which of
 11 course are my unc and pops. If anyone is interested: Levi: 360-593-1284, Valentin: 360-
 12 581-0117." One of the two men is Valentin Carreno Sanchez, based on comparing the
 13 image in the Facebook post with the Washington Department of Licensing photograph
 14 for Valentin Carreno Sanchez, father of Richard Sanchez.¹

15 21. Based on review of telephone records received pursuant to a court order
 16 issued by the United States District Court for the Eastern District of Virginia, the phone
 17 number for Valentin Carreno Sanchez, 360-581-0117, is in communication with a
 18 Mexican phone number, +524431684139, and the two numbers have exchanged calls
 19 between February 9, 2020 and October 5, 2020.

20
 21
 22
 23
 24
 25
 26 ¹ While the Birth Certificate for Richard Sanchez lists his father as "Valentin Carreno Sanchez," the
 27 Department of Licensing record is under Valentin Sanchez Carreno. Based on my experience, I am aware
 28 that law enforcement and others often invert Spanish surnames. In addition, because names are tied to
 Aberdeen, Washington, under the same date of birth, based on law enforcement databases, and I therefore
 believe that they are the same individual.

1 **The Mexican phone number ending in 4139 is associated with a WhatsApp account**
2 **and Facebook Account registered to Q’Kaarii Oregel, who has posted recent videos**
3 **of Richard Sanchez.**

4 22. Based on review of information available to any user of Whatsapp, the
5 Mexican phone number ending in 4139 has an active WhatsApp account with a public
6 profile picture of a young woman. On November 12 and December 3, 2019, the same
7 picture was also posted to Facebook account 100035692250458, registered with the
8 username Q’Kaarii Oregel (hereinafter, “the Q’Kaarii Oregel account”). It therefore
9 appears that the user of the WhatsApp account and the user of the Facebook account
10 ending in 0458 are the same person, Q’Kaarii Oregel.

11 23. On November 11 and December 31, 2020, the Q’Kaarii Oregel account
12 posted videos, each of which includes a male who appears to be Richard Sanchez, based
13 on a comparison of the images in the video and the Washington Department of Licensing
14 photograph of Richard Sanchez, taken in 2010.

15
16 **Q’Kaarii Oregel appears to be in a romantic relationship with Richard Sanchez,**
17 **who uses Subject Account 1.**

18
19 24. The Q’Kaarii Oregel account is in communication with another Facebook
20 account, Subject Account 1, registered to “Luis Angel Carreno,” with account number
21 100050911208694. The two accounts are connected in a number of ways. First, the
22 publicly available Friend List of Subject Account 1 includes the Q’Kaarii Oregel account.
23 Second, Subject Account 1’s profile picture is Q’Kaarii Oregel. Third, on June 16, 2020,
24 Subject Account 1 posted a public message to the Q’Kaarii Oregel account, which,
25 translated into English states, “My love of my life is ...Q’Kaarii Oregel.” Fourth,
26 Subject Account 1 has posted nine photographs, five of which appear to be Q’Kaarii
27 Oregel. Four of those photographs were also posted to the Q’Kaarii Oregel account.
28

25. It appears that the user of Subject Account 1 is Richard Sanchez based on a number of factors. First, the username of Subject Account 1, "Luis Angel Carreno," appears to include one of Richard Sanchez's two surnames, Carreno.² Second, the Q'Kaarii Oregel account is evidently in close proximity to Richard Sanchez based on the posted videos of Richard Sanchez. Third, Subject Account 1 has 183 friends, three of whom appear to be half-siblings of Richard Sanchez.³

26. Similarly, on November 1, 2020, Subject Account 1 posted a photograph of a baby. The photograph was liked by Leticia Allen, a half-sibling of Richard Sanchez.⁴ It was also liked by Monica Sanchez, another relative of Richard Sanchez, and the same Facebook user who posted the April 19, 2019, post about Sanchez Roofing And Construction (referenced above).

27. Subject Account 2 appears to also belong to Richard Sanchez. First, Subject Account 2 is also friends with the Q'Kaarii Oregel account. Second, the username of Subject Account 2, "Luis Carreno," is similar to the username of Subject Account 1, "Luis Angel Carreno." Third, Subject Account 2, has 210 friends, two of whom are half-siblings of Richard Sanchez.⁵ Fourth, on March 25, 2020, Subject Account 2 posted a photograph of Pamela Allen, the mother of Richard Sanchez, with a caption that states in translation: "My mother is so cool. Happy Birthday. Rest in Peace." Law enforcement is aware from state Department of Health records that Pamela Allen is deceased and has a birthday on March 27.

28. Based on my training and experience I am aware that fugitives often maintain communication with family, friends, and associates utilizing social media

² As I know from training and experience, in Spanish speaking countries, individuals often have two surnames. Carreno is one of the two surnames of Richard Sanchez's father, Valentin Sanchez Carreno.

³ Records from Pierce County Superior Court indicate that Pamela Allen, mother of Richard Sanchez, had six children by another man, Miguel Romero-Velasquez. These children include Leticia Dawn Allen, Isaiah James Romero, Higinio Julio Romero, and Miguel Romero. Three of the friends of Subject Account 1 are "Leticia Allen," "Isaiah Romero," and "Higinio Romero."

⁴ See Footnote 3.

⁵ These friends include Miguel Romero, referenced in Footnote 3, and Monica Sanchez, who posted the April 29, 2019 Facebook ad referencing her "pops," as Valentin Sanchez Carreno, the same father as Richard Sanchez.

1 accounts. Based on the above associations there is probable cause to believe that the user
2 of Subject Account 1 is Richard Sanchez or someone in close communication with
3 Richard Sanchez. Therefore, there is probable cause to believe that the information in
4 Subject Account 1 will include evidence of the location of Richard Sanchez.

5 **C. FACEBOOK INFORMATION STORAGE**

6 29. I am aware from my experience and training, and consultation with other
7 investigators, of the following information about Facebook:

8 30. Facebook owns and operates a free-access social networking website of
9 the same name that can be accessed at <http://www.facebook.com>. Facebook allows its
10 users to establish accounts with Facebook, and users can then use their accounts to share
11 written news, photographs, videos, and other information with other Facebook users, and
12 sometimes with the public.

13 31. Facebook asks users to provide basic contact and personal identifying
14 information to Facebook, either during the registration process or thereafter. This
15 information may include the user's full name, birth date, gender, contact e-mail
16 addresses, Facebook passwords, Facebook security questions and answers (for password
17 retrieval), physical address (including city, state, and zip code), telephone numbers,
18 screen names, websites, and other personal identifiers. Facebook also assigns a user
19 identification number to each account.

20 32. I know from speaking with other law enforcement that "cookies" are
21 small files placed by a server (such as those used by Facebook) on a device to track the
22 user and potentially verify a user's authentication status across multiple sites or
23 webpages. This cookie could be unique to a particular account (e.g., the Facebook
24 account) or to a given device (e.g., the particular phone used to access the Facebook
25 account). The next time a user visits a particular site or server, the server will ask for
26 certain cookies to see if the server has interacted with that user before. Cookies can also
27 be used to determine "machine cookie overlap," or multiple accounts that have been
28 accessed by the same individual machine (e.g., two Facebook accounts that have been

1 accessed on the same phone). The machine cookie overlap thus allows Facebook to track
2 accounts that are “linked” to each other because the same user account (username on a
3 computer) on the same device accessed multiple Facebook accounts. This can identify
4 either multiple Facebook accounts used by the same person or used by different people
5 sharing the same user account and device. In either case, the machine cookie overlap
6 means that the users of the linked accounts are the same person or two people in close
7 proximity to each other.

8 33. Facebook users may join one or more groups or networks to connect and
9 interact with other users who are members of the same group or network. Facebook
10 assigns a group identification number to each group. A Facebook user can also connect
11 directly with individual Facebook users by sending each user a “Friend Request.” If the
12 recipient of a “Friend Request” accepts the request, then the two users will become
13 “Friends” for purposes of Facebook and can exchange communications or view
14 information about each other. Each Facebook user’s account includes a list of that user’s
15 “Friends” and a “News Feed,” which highlights information about the user’s “Friends,”
16 such as profile changes, upcoming events, and birthdays.

17 34. Facebook users can select different levels of privacy for the
18 communications and information associated with their Facebook accounts. By adjusting
19 these privacy settings, a Facebook user can make information available only to himself or
20 herself, to particular Facebook users, or to anyone with access to the Internet, including
21 people who are not Facebook users. A Facebook user can also create “lists” of Facebook
22 friends to facilitate the application of these privacy settings. Facebook accounts also
23 include other account settings that users can adjust to control, for example, the types of
24 notifications they receive from Facebook.

25 35. Facebook users can create profiles that include photographs, lists of
26 personal interests, and other information. Facebook users can also post “status” updates
27 about their whereabouts and actions, as well as links to videos, photographs, articles, and
28 other items available elsewhere on the Internet. Facebook users can also post information

1 about upcoming “events,” such as social occasions, by listing the event’s time, location,
2 host, and guest list. In addition, Facebook users can “check in” to particular locations or
3 add their geographic locations to their Facebook posts, thereby revealing their geographic
4 locations at particular dates and times. A particular user’s profile page also includes a
5 “Wall,” which is a space where the user and his or her “Friends” can post messages,
6 attachments, and links that will typically be visible to anyone who can view the user’s
7 profile.

8 36. Facebook allows users to upload photos and videos. It also provides users
9 the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is
10 tagged in a photo or video, he or she receives a notification of the tag and a link to see the
11 photo or video. For Facebook’s purposes, the photos and videos associated with a user’s
12 account will include all photos and videos uploaded by that user that have not been
13 deleted, as well as all photos and videos uploaded by any user that have that user tagged
14 in them.

15 37. Facebook users can exchange private messages on Facebook with other
16 users. These messages, which are similar to e-mail messages, are sent to the recipient’s
17 “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well
18 as other information. Facebook users can also post comments on the Facebook profiles
19 of other users or on their own profiles; such comments are typically associated with a
20 specific posting or item on the profile. In addition, Facebook has a Chat feature that
21 allows users to send and receive instant messages through Facebook. These chat
22 communications are stored in the chat history for the account. Facebook also has a Video
23 Calling feature, and although Facebook does not record the calls themselves, it does keep
24 records of the date of each call.

25 38. If a Facebook user does not want to interact with another user on
26 Facebook, the first user can “block” the second user from seeing his or her account.

27 39. Facebook has a “like” feature that allows users to give positive feedback
28 or connect to particular pages. Facebook users can “like” Facebook posts or updates, as

1 well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook
2 users can also become “fans” of particular Facebook pages.

3 40. Facebook has a search function that enables its users to search Facebook
4 for keywords, usernames, or pages, among other things.

5 41. Each Facebook account has an activity log, which is a list of the user’s
6 posts and other Facebook activities from the inception of the account to the present. The
7 activity log includes stories and photos that the user has been tagged in, as well as
8 connections made through the account, such as “liking” a Facebook page or adding
9 someone as a friend. The activity log is visible to the user but cannot be viewed by
10 people who visit the user’s Facebook page.

11 42. Facebook Notes is a blogging feature available to Facebook users, and it
12 enables users to write and post notes or personal web logs (“blogs”), or to import their
13 blogs from other services, such as Xanga, LiveJournal, and Blogger.

14 43. The Facebook Gifts feature allows users to send virtual “gifts” to their
15 friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase,
16 and a personalized message can be attached to each gift. Facebook users can also send
17 each other “pokes,” which are free and simply result in a notification to the recipient that
18 he or she has been “poked” by the sender.

19 44. Facebook also has a Marketplace feature, which allows users to post free
20 classified ads. Users can post items for sale, housing, jobs, and other items on the
21 Marketplace.

22 45. In addition to the applications described above, Facebook also provides
23 its users with access to thousands of other applications on the Facebook platform. When
24 a Facebook user accesses or uses one of these applications, an update about that the
25 user’s access or use of that application may appear on the user’s profile page.

26 46. Some Facebook pages are affiliated with groups of users, rather than one
27 individual user. Membership in the group is monitored and regulated by the
28 administrator or head of the group, who can invite new members and reject or accept

1 requests by users to enter. Facebook can identify all users who are currently registered to
2 a particular group and can identify the administrator and/or creator of the group.
3 Facebook uses the term “Group Contact Info” to describe the contact information for the
4 group’s creator and/or administrator, as well as a PDF of the current status of the group
5 profile page.

6 47. Facebook uses the term “Neoprint” to describe an expanded view of a
7 given user profile. The “Neoprint” for a given user can include the following information
8 from the user’s profile: profile contact information; News Feed information; status
9 updates; links to videos, photographs, articles, and other items; Notes; Wall postings;
10 friend lists, including the friends’ Facebook user identification numbers; groups and
11 networks of which the user is a member, including the groups’ Facebook group
12 identification numbers; future and past event postings; rejected “Friend” requests;
13 comments; gifts; pokes; tags; and information about the user’s access and use of
14 Facebook applications.

15 48. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or
16 IP address. These logs may contain information about the actions taken by the user ID or
17 IP address on Facebook, including information about the type of action, the date and time
18 of the action, and the user ID and IP address associated with the action. For example, if a
19 user views a Facebook profile, that user’s IP log would reflect the fact that the user
20 viewed the profile, and would show when and from what IP address the user did so.

21 49. Social networking providers like Facebook typically retain additional
22 information about their users’ accounts, such as information about the length of service
23 (including start date), the types of service utilized, and the means and source of any
24 payments associated with the service (including any credit card or bank account number).
25 In some cases, Facebook users may communicate directly with Facebook about issues
26 relating to their accounts, such as technical problems, billing inquiries, or complaints
27 from other users. Social networking providers like Facebook typically retain records
28 about such communications, including records of contacts between the user and the

1 provider's support services, as well as records of any actions taken by the provider or
2 user as a result of the communications.

3 50. Therefore, the computers of Facebook are likely to contain all the material
4 described above, including stored electronic communications and information concerning
5 subscribers and their use of Facebook, such as account access information, transaction
6 information, and other account information. I believe such information is likely to help
7 me locate the fugitive described in this affidavit.

8 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

9 51. I anticipate executing this warrant under the Electronic Communications
10 Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by
11 using the warrant to require Facebook to disclose to the government copies of the records
12 and other information (including the content of communications) particularly described in
13 Section I of Attachment B. Upon receipt of the information described in Section I of
14 Attachment B, government-authorized persons will review that information to locate the
15 items described in Section II of Attachment B.

16 52. As indicated in the Motion for Nondisclosure and Motion to Seal that
17 accompany this affidavit, the government requests, pursuant to the preclusion of notice
18 provisions of Title 18, United States Code, Section 2705(b), that Facebook be ordered not
19 to notify any person (including the subscriber or customer to which the materials relate)
20 of the existence of this warrant for such period as the Court deems appropriate. The
21 government submits that such an order is justified because notification of the existence of
22 this Order would seriously jeopardize the ongoing investigation. Such a disclosure would
23 give the subscriber an opportunity to destroy evidence, change patterns of behavior,
24 notify confederates, or flee or continue his flight from prosecution.

25 53. It is further respectfully requested that this Court issue an order sealing all
26 papers submitted in support of this application, including the application and search
27 warrant until such dates as provided in the proposed Order. I believe that sealing this
28 document is necessary because the items and information to be seized are relevant to an

ongoing investigation. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

CONCLUSION

54. Based on the foregoing, I request that the Court issue the proposed search warrant. This Court has jurisdiction to issue the requested warrants because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. *See* 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that – has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of these warrants. Accordingly, by this Affidavit and Search Warrant, I seek authority for the government to search all of the items specified in Section I, Attachment B (attached hereto and incorporated by reference herein) to the Warrant, and specifically to seize all of the data, documents and records that are identified in Section II to that same Attachment.



TERRANCE G. POSTMA
Special Agent
Federal Bureau of Investigation

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit on this 29th day of January, 2021.



HON. J. RICHARD CREATURA
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the following telephone number(s):

- (1) Facebook account 100050911208694 (Subject Account 1),
- (2) Facebook account 100033595420712 (Subject Account 2).

This warrant applies to all such information that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

ATTACHMENT B**Particular Things to be Seized****I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

A. The following information about the customers or subscribers of the Subject Accounts:

- (a) User Neoprint - all user contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers associated with the current profile information, and all wall postings and messages to and from the user.
- (b) All activity logs for the Subject Accounts and all other documents showing the user's posts and other Facebook activities;
- (c) User photoprint and videos - all photos and videos uploaded, "liked", or tagged by the user, along with all photos uploaded by any user which have the user tagged in them, any associated photos or links to photos in their original format, including all original meta-data or "EXIF" information;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend

1 and family lists, including the friend and family Facebook user
 2 identification numbers; groups and networks of which the user is a member,
 3 including the groups' Facebook group identification numbers; future and
 4 past event postings; rejected "Friend" requests; comments; gifts; pokes;
 5 tags; and information about the user's access and use of Facebook
 6 applications;

7 (e) All other records of communications and messages made or received by the
 8 user, including all private messages, chat history, calling history, and
 9 pending "Friend" requests;

10 (f) All "check ins" and other location information;

11 (g) I.P. Logs - all IP logs showing log-in and log-off and intraconnection I.P.
 12 activity including I.P. addresses and date/time stamps for account accesses
 13 as well as account creation I.P. address, date, and time. Provide source port
 14 information for each I.P. log-in and log-off event for the Subject Accounts;

15 (h) All records of the Subject Accounts' usage of the "Like" feature, including
 16 all Facebook posts and all non-Facebook webpages and content that the
 17 user has "liked";

18 (i) All information about the Facebook pages that each Subject Account is or
 19 was a "fan" of;

20 (j) User Friends List/Information – provide a full list of all past and present
 21 friends for the Subject Accounts, including all messages and postings
 22 between accounts and listed friends;

23 (k) All records of Facebook searches performed by the Subject Accounts;

24 (l) All information about the user's access and use of Facebook Marketplace;

25 (m) The types of service utilized by the user;

26 (n) The length of service (including start date);

27 (o) The means and source of payment for such service (including any credit
 28 card or bank account number) and billing records;

- (p) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the Subject Accounts;
- (q) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken;
- (r) Names (including subscriber names, Facebook user IDs, and screen names);
- (s) Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
- (t) Local and long distance telephone connection records;
- (u) Push Tokens - any unique identifiers that would assist in identifying the device(s) associated with the Subject Accounts, including push notification tokens associated with the Subject Accounts (including Apple Push Notification (APN), Google Cloud Messaging (GCM), Microsoft Push Notification Service (MPNS), Windows Push Notification Service (WNS), Amazon Device Messaging (ADM), and Baidu Cloud Push, phone numbers, IMEI/ESN, serial numbers, instrument numbers), MAC addresses, IP addresses, email addresses, and subscriber information;
- (v) Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP" addresses) associated with those sessions along with time, type, machine (including MAC addresses) cookie, city, region, country, device, and browser;
- (w) Facial recognition data;
- (x) Linked accounts;
- (y) Family members associated with the user of each Subject Account;
- (z) Work of the user of each Subject Account;
- (aa) Telephone or instrument numbers or identities (including MAC addresses);

- 1 (bb) Other subscriber numbers or identities (including temporarily assigned
- 2 network addresses and registration IP addresses);
- 3 (cc) User Contact Information – all user contact information input by the user
- 4 including name, birthdate, contact email address(es), other related email
- 5 addresses, address, city, state, zip code, all phone numbers, screen name(s),
- 6 and website information, to include basic subscriber information and
- 7 expanded subscriber information;
- 8 (dd) Group Contact Information – a list of the user’s currently registered groups;
- 9 (ee) Location Information – all information pertaining to location data for the
- 10 Subject Accounts, including but not limited to current locations, where you
- 11 live, the places you like to go, the businesses and people you’re near, geo-
- 12 location data and all other geo-tagging or geo-location related information
- 13 based on precise device locations, IP addresses, and information from the
- 14 Subject account and others’ use of Facebook Products such as check-ins or
- 15 events attended;
- 16 (ff) Face recognition data;
- 17 (gg) Device Information – all information pertaining to devices used to upload
- 18 photos, posts, messages, or updates, including but not limited to Apple
- 19 UDID, mobile phone number, mobile device ID numbers, and all other
- 20 information related to the devices;
- 21 (hh) Information from partners (advertisers, app developers, and publishers)
- 22 including information about the device(s) used, websites visited, purchases
- 23 made, ads seen, and online and offline actions and purchases from third-
- 24 party data providers;
- 25 (ii) Poke Information – all information pertaining to “pokes” initiated by or
- 26 received by the Subject Accounts;
- 27
- 28

- (jj) Private Messages – all information pertaining to any and all private messages to include content, call logs, and location information for the Subject Accounts;
- (kk) Facebook Messenger – all information pertaining to any and all incoming and outgoing Facebook messenger text strings and conversations for the Subject Accounts; and
- (ll) All other account information including: any “about you” information, ads, apps and websites, calls and messages, comments, events, following and followers, friends, groups, likes and reactions, location history, marketplace, messages, other activity, pages, payment history, photos and videos, posts, profile information, saved items, search history, security and login information, and “your places” information.

B. All records and other information (not including the contents of communications) relating to the Subject Accounts, including:

- (a) Records of user activity for each connection activity for each connection made to or from the Subject Accounts, including log files; messaging logs; the date, time, length, and method of connections; data transfer volume; user names; and source and destination of Internet Protocol addresses;
- (b) Information about each communication sent or received by the Subject Accounts, including the date and time of the communication, the method of the communication (such as source and destination email addresses, IP addresses, and telephone numbers); and
- (c) Records of any Facebook accounts that are linked to the Subject Accounts by machine cookies (meaning all Facebook user IDs that logged into Facebook by the same machine or device as each Subject Account).

II. Information to be seized by the government

All information described above in Section I that relates to the ongoing fugitive investigation involving Richard Sanchez, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Any content including e-mails, messages, texts, photographs (including metadata), videos (including metadata), visual images, documents, spreadsheets, address lists, contact lists or communications of any type which could be used to identify the user and or their location.
- (b) Records relating to who created, used, or communicated with the user ID, including records about their identities and whereabouts.
- (c) All subscriber records associated with the Subject Accounts, including name, address, local and long distance telephone connection records, or records of session times and durations, length of service (including start date) and types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, and means and source of payment for such service including any credit card or bank account number.
- (d) Any and all other log records, including IP address captures, associated with the Subject Accounts;
- (e) Any records of communications between Facebook and any person about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users about any of the Subject Accounts. This is to include records of contacts between the subscriber and the provider's support services, as well as records of any actions taken by the provider or subscriber as a result of the communications.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is _____. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature